

REMARKS

Initially, applicant would like to thank Examiner Fineman for granting an interview and for her time spent in the interview.

Claims 1-61 were previously pending in the application. Claims 6-61 are withdrawn as being directed to a non-elected species. Claims 2-5 are canceled. New claim 62 is added. Therefore, claims 1 and 62 are presented for consideration.

Claims 1, 2 and 4 are rejected as unpatentable over HAAKSMAN 5,374,820 in view of Austrian Patent Publication No. AT 000307 U1 (hereinafter AT-307) and further in view of EASTCOTT 5,592,331. This rejection is respectfully traversed.

Claim 1 is amended to clarify the movement of the objective lenses. Specifically, claim 1 recites that the objective lens is movable along a curved path that crosses a beam path internal to the vision aid for changing an angle between external beam paths, which run out of the respective lens systems towards the object.

By way of example, page 22, lines 8-15 of the present application disclose a means for matching the parallax between the lens systems. The parallax is matched using adjustable optical elements 11.

As pointed out at the interview, Figure 1 of the present application shows an internal beam path (unlabeled

running longitudinally through the center of each tube 1). Each objective lens 11 is movable along a curved path 12 that cross the internal beam path, for changing an angle 13 between external beam paths 14 (that run out of the lens system) toward the object (where beam paths 14 cross).

In contrast, as pointed out at the interview both the objective 11 and the ocular 12 of HAAKSMAN (indicated in the Official Action as optical elements) are movable with respect to each other along the optical axes 17, 17'. Specifically, as discussed at the interview, Figure 5 of HAAKSMAN shows the ocular 12 moves along a path S and objective 11 moves along path P. However, the relative position of the ocular 12 and the objective 11 is with respect to movement along the beam path and is not with respect to movement across the beam path.

As also pointed out at the interview and as set forth in the prior amendment, V1 and V2 of Figure 5 of HAAKSMAN are different objects, one being a remote object and the other being a near object. As disclosed at column 6, lines 37-50 of HAAKSMAN, the lens system 11, 12 moves together with the eyeball 31 so that the angle between the beam paths and the object is constant. Accordingly, HAAKSMAN teaches a different angle for different objects and a constant angle for a single object not that the optical element is movable along a curved path that crosses an internal beam path of the vision aid for changing an angle

between external beam paths which run out of the lens systems towards the object as recited in claim 1 of the present application.

EASTCOTT is only cited for the teaching of a curved path. As pointed out at the interview, EASTCOTT is directed to a monocular system that would not have to account for parallax and thus would not be combinable with HAAKSMAN. In any event, EASTCOTT does not change the relative position of an optical element across a beam path.

AT-307 is only cited for teaching a means for changing a magnification factor of the lens systems. AT-307 does not teach or suggest that the optical element is movable along a curved path that crosses an internal beam path of the vision aid for changing an angle between external beam paths which run out of the lens systems towards the object as recited in claim 1.

The above-noted features are missing from each of the references, are absent from the combination, and thus are not obvious to one having ordinary skill in the art. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2 and 4 are canceled.

New claim 62 provides that the optical element is rotatable along an axis perpendicular to the curved path so that said optical element tilts when the optical element is moved along the curved path. As noted at the interview, this

embodiment is shown in Figure 1 of the present application and this feature was previously presented as part of original claim 5.

In the election of species requirement of October 21, 2002, claim 1 was indicated as being generic. Although the Official Action has indicated that claim 1 is no longer generic due to the addition of the amended claim language, applicant still believes that claim 1 is generic and allowable. Accordingly, reconsideration and allowance of claims 6-61 are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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